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*Attorneys for Defendant David A. Lacy*

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

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**UNITED STATES OF AMERICA,**

Plaintiffs,

vs.

**DAVID A. LACY,** an individual,

Defendant.

**MOTION TO EXCLUDE EVIDENCE  
OF OR REFERENCE TO PRIOR  
MISDEMEANOR**

Civil No. 2:09-cr-00045

Judge Ted Stewart

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Defendant, David A. Lacy, by and through his counsel of record, hereby moves the Court for an order precluding the government from introducing evidence of Mr. Lacy's prior misdemeanor conviction or referring to that conviction in any way.

On January 14, 2010, Defendant filed a request for notification of the government's intent to introduce any evidence pursuant to Rule 404(b) of the Federal Rules of Evidence. The

government has not yet responded to Mr. Lacy's request, which should preclude the admission of a prior misdemeanor conviction in 1979. However, in an abundance of caution, Defendant hereby files this motion and respectfully requests that this Court exclude any evidence, testimony, or reference to Mr. Lacy's guilty plea in 1979.

DATED this 6th day of June 2011.

RAY QUINNEY & NEBEKER P.C.

/s/ Matthew R. Lewis

Matthew R. Lewis

Matthew M. Cannon

*Attorneys for Defendant David A. Lacy*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6th day of June 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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/s/ Ashley Rollins\_\_\_\_\_